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**FILED**

DISTRICT COURT OF GUAM

FEB 28 2006

MARY L.M. MORAN  
CLERK OF COURT

8  
9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE DISTRICT OF GUAM**

11 UNITED STATES OF AMERICA, )  
12 )  
Plaintiff, )

13 vs. )

14 CHRISTOPHER M. ESPINOSA )  
and BRIAN WILLIAM ELM, )  
15 Defendants. )  
16

CRIMINAL CASE NO. 05-00053

**UNITED STATES' PROPOSED  
VOIR DIRE**

17 Pursuant to the order of this Court and Federal Rule of Criminal Procedure 24(a), the  
18 United States submits the following proposed voir dire questions.

19 A. WITNESSES (Assuming that the Court reads the names of the attorneys and the trial  
20 witnesses to the panel.)

21 1. Are any of you friendly or associated or related with the attorneys for the  
22 United States, or for the defense, in this case, either socially or through your role as jurors in  
23 other cases? If so, please explain the nature of the prior knowledge and how it may affect your  
24 attitude as a juror in this case.

25 2. Do any of you know any of the witnesses who will testify? If so, please  
26 describe your acquaintance.  
27

1           3. Some of the witnesses in this case are alleged coconspirators of the defendant  
2 who entered into plea agreements and have decided to testify on behalf of the government against  
3 the defendant. Is there anyone who disagrees with or disapproves of the use by the government  
4 of cooperating defendants against the defendant?

5           4. Do any of you know the defendant or his family members socially or through  
6 some business or other acquaintanceship? If so, please describe the association.

7           5. Would it be embarrassing and perhaps even painful to have to return a verdict  
8 against the defendant when you are so acquainted with the defendant or his family?

9           B.     GENERAL INFORMATION

10          6. Do you have any friends who are attorneys? If so, what type of law do they  
11 practice?

12          7. Please explain for us the nature and extent of your educational background,  
13 including any special training courses and vocational seminars you have attended. If you  
14 attended college, what was your major field of study?

15          8. Have any of you ever studied law or had any legal training? If so, a) when did  
16 you receive this training; b) extent of training; and c) could you set aside what you have learned  
17 and decide the case based on the evidence and the law given in this case?

18          9. Are you married? Do you: Live alone? Share house with another person or  
19 persons? Live with family?

20          10. Please describe the nature of your employment and that of your spouse, if you  
21 are married.

22          11. Please describe your immediate family and, how each formally employed  
23 member is employed, the nature of any past employment, and the educational background of your  
24 immediate family.

25          12. Where do you now reside and for how long have you been a resident of that  
26 address? (If the prospective juror indicates that he or she is new to the present address, please  
27

ascertain that person's prior place of residence.)

13. What formal organizations, fraternities, or societies do you or any member of your family belong to?

14. Please explain your past experience on juries in both civil and criminal cases. Tell us when the case was tried and the nature of the case. Without telling me whether or not the jury found the defendant guilty or not guilty, please tell me whether or not the jury actually reached a verdict. Would you be influenced in any way by your previous experience as a juror?

15. Do you have any fixed view about the United States Department of Justice, the U.S. Postal Inspector, Immigration and Customs Enforcement, formerly the U.S. Customs Service, the Guam Customs and Quarantine Agency, and the Drug Enforcement Administration that would affect your ability to be an impartial juror in this case?

16. Is there anything about the nature of this case that would make it difficult for you to be a fair and impartial juror in this trial? If yes, what would prevent you from being fair and impartial?

17. Most of us during our lives have in one way or another come into contact with law enforcement officers. Have any of these experiences made you feel one way or another about them? If so, what are these feelings? Have you or any of your acquaintances ever had any experiences with any of the above-referenced law enforcement agencies that would influence your ability to sit as a fair and impartial juror in this matter?

18. The indictment in this case charges offenses involving drugs.. Have you, any members of your family, or close friends had problems with drugs? If so, what were those problems? Do you believe this prior experience would affect your attitude towards this case? Is there anything about the nature of this case that makes you wish not to be involved in the trial? If so, what is it?

C. OTHER MATTERS

19. Has anyone talked to you about this case or attempted to influence you in any

1 way about it since you were notified you were on the jury panel? Who? When? Where? Who  
2 else was present? What did you say? Before you were so notified, did anyone attempt to  
3 influence you about jury service on this matter? Please tell us the details of that event.

4 20. Have you, your relatives or close friends ever been the victim of a crime?  
5 State the nature of the crime and what was the outcome of the case. Do you believe this would  
6 affect your attitude towards this case as a juror?

7 21. Have you, your relatives or close friends ever been charged with or  
8 investigated for a crime? If so, what was the nature of this investigation or charge? How was it  
9 handled?

10 22. Have you, your relatives or close friends ever witnessed the commission of a  
11 crime? What type of crime? What was the outcome of the case? Would you be influenced in  
12 any way by your experience as a witness to a crime?

13 D. GENERAL QUALIFICATION

14 23. Will you be able to render a verdict solely on the evidence presented at trial  
15 and the law that is given to you and not allow anything else to affect your verdict?

16 24. Do you have any specific health problems which would make it difficult for  
17 you to serve as a juror in this case?

18 25. Do you know any reason whatsoever why you may not sit as a fair and  
19 impartial juror in this case?

20 RESPECTFULLY SUBMITTED this 24<sup>th</sup> day of February, 2006.

21 LEONARDO M. RAPADAS  
22 United States Attorney  
23 Districts of Guam and NMI

24 By: 

25 RUSSELL C. STODDARD  
26 First Assistant U.S. Attorney  
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